

**CITY OF ROCHESTER
MWBE FORM C
MWBE AFFIDAVIT**

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I _____ do understand that only a New York State certified Minority and Women
(Print Name)

Business Enterprise (MWBE) will be accepted and approved to perform work which is to be credited towards fulfillment of the composite MWBE Utilization Goal for this City of Rochester construction project. Accordingly, I affirm that the following statements are true and accurate:

1. I am a minority, and/or a woman.
2. I own and control at least 51% of my company or corporation; I conduct the ownership and management responsibilities for this firm. Management of this firm is not controlled directly or indirectly by any other entity through formal or informal relationships.
3. I attest that my company is a certified NYS MWBE firm named _____
(Print Name of Firm)
4. I will exercise all of the management functions for the performance and execution of the contract, unless I have indicated on an attached sheet specific management functions which I have contracted to other organizations, including the prime contractor. Furthermore, I understand that the term "management functions", as referenced above, includes the following duties:
 - a. Hiring of employees
 - b. Procurement of equipment and materials
 - c. Purchase of insurance
 - d. Field supervision
 - e. Payroll and financial record keeping
 - f. Authorization of any contracts or subcontracts
 - g. Provision of office space

The above functions cannot be delegated to such an extent as to violate paragraph 2.

5. I will perform the actual installation of all materials and supplies, except as provided in paragraph 6 below. I will not serve solely as a supplier to another contractor, nor will I serve as a mere conduit (i.e. pass-through) for materials procured through other suppliers.
6. My firm is capable of performing the work which has been subcontracted to me. I will, in fact, manage, direct, and perform this work. I authorize the City to audit all of my financial records and books related to the execution of this MWBE contract.
7. At least fifty percent (50%) of an MWBE subcontract with the prime must be for labor/installation in order for the subcontract to be counted toward the MWBE utilization goals. MWBE subcontracts where materials and/or supplies are more than 50% of the value of the contract will not be permitted to count towards the MWBE goals of the prime contract unless permitted by the grant funding agency and approved by the MWBE Officer.
8. I acknowledge and understand that as an MWBE subcontractor, I am permitted to sublet up to 30% of the subcontract to non-MWBE's and still have the whole MWBE subcontract count towards the MWBE utilization goal. I understand and acknowledge, however, that if more than 30% of my subcontract is contracted out to non-MWBE firms, the subcontract between my firm and the prime contractor shall no longer be considered a bona fide MWBE subcontract; and accordingly the work subcontracted to me as an MWBE subcontractor shall not count towards fulfillment of the MWBE utilization goal.

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9. I acknowledge and understand that any subcontract that requires materials and/or supplies as part of the contract, the MWBE subcontractor must provide a service of installation, connection, set-up, mounting, assembly, construction, and erection, raising and/or building the product or material supplied. Even if an MWBE subcontracts less than 30% of its subcontract to a non-MWBE firm, the MWBE subcontract cannot be reduced to just providing or passing along the materials and/or supplies. Should this be the case, then the subcontract agreement between prime contractor and the MWBE shall no longer be considered a bona fide MWBE subcontract; and accordingly the work subcontracted to the MWBE subcontractor shall not count towards fulfillment of the MWBE utilization goal. By signing below I certify that materials and/or supplies do not exceed 50% of the total value of my subcontract with the prime.
10. I acknowledge full responsibility for submitting within seven (7) days of request, any and all information requested by the City as part of the City's MWBE certification process.

Name of MWBE Company:

Title and Project Number for which this company is a subcontractor:

Name of prime contractor for this project:

Authorized signature of MWBE:

Date:
